

Appl. No. 10/787,171  
Amendment dated November 1, 2006  
Reply to Office Action of August 2, 2006

### REMARKS

In the August 2, 2006 Office Action, claims 1-21 stands rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### *Status of Claims and Amendments*

In response to the August 2, 2006 Office Action, Applicants respectfully traverse the prior art rejections and have included comments to support the traversal. Further, Applicants have amended the specification to correct typographical and form errors discovered upon review. Thus, claims 1-21 are pending, with claims 1, 13, and 21 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### *Information Disclosure Statement*

In item 2 of the Office Action, it was indicated that a fee was due under 37 CFR §1.97(b) in order to have the March 30, 2006 Information Disclosure Statement considered. Applicants' representative acknowledges that in order to have an Information Disclosure Statement considered after issuance of a first Office Action after an RCE that the fee under 37 CFR §1.17(b) must be paid. Applicants would like to thank the Examiner for charging the fee to the authorized deposit account, handling of this matter, and consideration of the references in the March 30, 2006 Information Disclosure Statement.

#### *Rejections - 35 U.S.C. § 103*

In item 4 of the Office Action, claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DE 101 46 904 (Uehara) in view of DE 199 16 871 (Hashimoto et

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al.) and DE 32 40 238 (Tamura et al.). In response, Applicants respectfully traverse the rejections and have included comments supporting the traversal.

*37 CFR §1.97(h)*

It is stated in item 4 of the Office Action that according to Applicants' own explanation of relevance, i.e. the Foreign Office Action dated January, 2006, the claims are not patentable. Applicants respectfully assert that contents of the Foreign Office Action solely reflect the opinions of the Foreign Examiner relating to the claims of the related foreign application, which may be worded differently from the pending U.S. application claims and which may be subject to examination standards and laws that are different from those of the USPTO. Further, Applicants respectfully assert that under 37 CFR §1.97(h) the filing of an Information Disclosure Statement should not be construed as an admission that the information cited in the statement is material to patentability.

*Recited Structure*

Further, independent claims 1, 13, and 21 respectively recite a first rotating member, a first disk member, and a first rotating member axially movably and unrotatably attached to a piston. As seen in Figure 1 of Uehara, Applicants respectfully assert that Uehara discloses a first rotating member or first disk member that uses friction facings 16 to connect to a friction surface and not a piston. As seen in Figure 3 of Hashimoto et al., Applicants respectfully assert that Hashimoto et al. also disclose the use of friction facings 41 and 42 in a similar fashion to connect to a friction surface and not a piston. Applicants respectfully assert that Tamura et al. appear to be silent with regards to the exact way in which the first rotating member 1' connects, and states in column 1, lines 55-57 that the driving plate 1' can be coupled, for example, to a clutch disk or torque converter provided with a lock-up clutch. Thus, since Uehara and Hashimoto et al. disclose clutch disks, Applicants respectfully assert

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that if these two references were combined with Tamura et al. it would produce a damper mechanism with a first rotating member or first disk member that fails to connect to a piston as recited in the independent claims of the present application.

Since Tamura does not exactly disclose how the invention would be disclosed, comments on the elastic members follow. The independent claims of the present application recite a pair of first elastic members that operate in series with each other and a second elastic member that operates in parallel with the first elastic members. However, as seen in Figure 4 of Tamura et al and column 3, lines 31-68 of the equivalent U.S. Patent No. 4,559,024, Tamura et al. disclose an elastic member structure such that the elastic members compress in series and do not operate in parallel as recited in the independent claims of the present application with respect to coil springs 17. Tamura et al. disclose a third-stage spring 28 that operates in parallel with the second-stage springs 25 and 26; however, the second-stage springs 25 and 26 do *not* operate in series in accordance with the recitations of the independent claims of the present application.

Further, as seen in Figs. 2 and 12 of the equivalent U.S. Patent Publication No. 2002/0039925, Applicants respectfully assert that Uehara also fails to disclose or to suggest this feature. Specifically, Applicants respectfully assert that the first elastic members 30 do not operate in series with each other. Moreover, as seen in the figures disclosed by Hashimoto et al., Hashimoto et al. fail to disclose or to suggest rotationally aligned first elastic members that operate in series with each other as recited in the independent claims of the present application.

Clearly the recited arrangement is *not* disclosed or suggested by the prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the

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desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement.

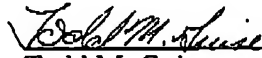
Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 13, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the inventions as set forth in independent claims 1 and 13, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-21 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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